

KELLOGG, HUBER, HANSEN, TODD, EVANS & FIGEL, P.L.L.C.

SUMNER SQUARE
1615 M STREET, N.W.
SUITE 400
WASHINGTON, D.C. 20036-3209

(202) 326-7900

FACSIMILE:

(202) 326-7999

PUBLIC VERISON – REDACTED FOR PUBLIC INSPECTION

January 15, 2014

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Room TW-A325
Washington, D.C. 20554

Accepted/Files

JAN 15 2014

Federal Communications Commission
Office of the Secretary

Via Hand Delivery

Re: CC Docket No. 95-116; WC Docket No. 07-149; WC Docket No. 09-109

Dear Ms. Dortch:

Neustar, Inc., by its attorney, and pursuant to Sections 0.457 and 0.459 of the Commission's rules, hereby submits the enclosed letter regarding the North American Numbering Council's ("NANC") re-bid of the Local Number Portability Administrator ("LNPA") contract. Neustar respectfully requests that, pursuant to Section 0.459 of the Commission's Rules, 47 C.F.R. § 0.459, the Commission withhold from public inspection and afford confidential treatment to this letter in accordance with Section 552(b)(4) of the Freedom of Information Act, 5 U.S.C. § 552(b)(4), and Sections 0.457(d)(2) and 0.459(b) of the Commission's Rules, 47 C.F.R. §§ 0.457(d)(2), 0.459(b).

Section 552(b)(4) of the Freedom of Information Act permits an agency to withhold from public disclosure any information that qualifies as "trade secrets and commercial or financial information obtained from a person and privileged or confidential." 5 U.S.C. § 552(b)(4). Section 0.457(d)(2) of the Commission's Rules allows persons submitting materials that they wish withheld from public inspection in accordance with Section 552(b)(4) to file a request for non-disclosure. 47 C.F.R. § 0.457(d)(2). The requirements governing such requests are set forth in Section 0.459(b).

In accordance with Section 0.459 of the Commission's rules, Neustar hereby submits the following:

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(1) *Identification of Specific Information for Which Confidential Treatment is Sought (Section 0.459(b)(1))*. Neustar is requesting confidential treatment of the enclosed letter.

(2) *Description of Circumstances Giving Rise to Submission (Section 0.459(b)(2))*. Neustar's letter relates to the NANC re-bid of the LNPA contract.

(3) *Explanation of the Degree to Which the Information is Commercial or Financial, or Contains a Trade Secret or is Privileged (Section 0.459(b)(3))*. The letter contains commercially sensitive information that may be withheld from public disclosure under FOIA Exemption 4. The Commission has long recognized that, for purposes of Exemption 4, "records are 'commercial' as long as the submitter has a commercial interest in them." *Robert J. Butler*, 6 FCC Rcd 5414, 5415 (1991) (citing *Pub. Citizen Health Research Group v. F.D.A.*, 704 F.2d 1280, 1290 (D.C. Cir. 1983); *Am. Airlines v. Nat'l Mediation Bd.*, 588 F.2d 863, 868 (2d Cir. 1978)). In this regard, Neustar's letter contains sensitive financial and business information that constitute commercial information which may be withheld under FOIA Exemption 4.

(4) *Explanation of the Degree to Which the Information Concerns a Service that is Subject to Competition (Section 0.459(b)(4))*. Neustar's letter contains information that is subject to the competitive bid for the LNPA contract.

(5) *Explanation of How Disclosure of the Information Could Result in Substantial Competitive Harm (Section 0.459(b)(5))*. The letter is confidential because its release would likely cause competitive harm to Neustar. Providing Neustar's competitors with access to bid information would competitively harm Neustar. The D.C. Circuit has found parties do not have to "show actual competitive harm" to justify confidential treatment. *Pub. Citizen Health Research Grp.*, 704 F.2d at 1291 (quoting *Gulf & Western Indus. v. U.S.*, 615 F.2d 527, 530 (D.C. Cir. 1979)). Rather, "[a]ctual competition and the likelihood of substantial competitive injury" is sufficient to bring commercial information within the realm of confidentiality." *Id.*

(6) *Identification of Measures Taken to Prevent Unauthorized Disclosure (Section 0.459(b)(6))*. Neustar treats the information contained in the letter as highly confidential and does not publicly disclose this information.

(7) *Identification of Whether the Information is Available to the Public and the Extent of Any Previous Disclosure of Information to Third Parties (Section 0.459(b)(7))*. Neustar has not previously disclosed the contents of the letter to the public.


(8) *Justification of Period During Which the Submitting Party Asserts that the Material Should Not be Available for Public Disclosure (Section 0.459(b)(8))*. The enclosed letter should not be released for public inspection until such time as there is a final and non-appealable order ending this proceeding and all information concerning vendors' proposals is made public.

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For the foregoing reasons, Neustar respectfully requests that the Commission withhold the letter from public inspection.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron M. Panner", with a stylized flourish at the end.

Aaron M. Panner

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